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BEFORE THE

ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

QI JI LIU,)

COMPLAINANT,)

vs.) No. 12-0374

COMMONWEALTH EDISON COMPANY,)

RESPONDENT.)

Complaint as to billing/charges)

in Chicago, Illinois)

Chicago, Illinois

April 10, 2013

Met, pursuant to Notice, at 1:00 p.m.

BEFORE :

MS. HEATHER JORGENSEN, Administrative Law Judge

APPEARANCES:

MR. QI JI LIU

2913 South Union

Chicago, Illinois 60616,

COMPLAINANT ;

1 APPEARANCES CONTINUED:

2 MR. MARK L. GOLDSTEIN, PC, by

3 MR. MARK L. GOLDSTEIN

4 3019 Province Circle

5 Mundelein, Illinois 60060

6 (847) 949-1340

7 AND

8 MS. ERIN BUECHLER

9 Senior Regulatory Specialist

10 Regulatory Affairs

11 COMMONWEALTH EDISON COMPANY

12 440 South LaSalle Street, Suite 3300

13 Chicago, Illinois 60605

14 (312) 394-3866

15 (312) 394-8693 Fax

16 erin.buechler@comed.com,

17 appeared on behalf of the RESPONDENT.

18

19 L.A. COURT REPORTERS, LLC, by

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I N D E X

Witnesses:

None.

E X H I B I T S

None.

1 JUDGE JORGENSEN: Pursuant to the direction of
2 the Illinois Commerce Commission, I now call Docket 12-0374,
3 Qi Ji Liu versus Commonwealth Edison Company.

4 May I have the appearances, for the record?

5 I want your names and addresses and cell
6 phones, for the record.

7 MR. LIU: Qi Ji Liu, first name, Q-I, J-I, last
8 name, L-I-U.

9 Address is 2913 South Union, Chicago,
10 Illinois, 60616.

11 JUDGE JORGENSEN: Your telephone number?

12 MR. LIU: Pardon me?

13 JUDGE JORGENSEN: I'm sorry, Mr. Goldstein.

14 MR. GOLDSTEIN: Yes. For Commonwealth Edison
15 Company, Mark L. Goldstein, 3019 Province Circle, Mundelein,
16 Illinois, 60060, and my phone number is 847-949-1340.

17 And assisting me this afternoon is Erin
18 Buechler.

19 JUDGE JORGENSEN: Thank you.

20 Where we left off, I made a determination on
21 a motion to dismiss pending - - there were several discovery
22 motions which Mr. Liu filed.

1 Where are we in the status of this discovery?

2 MR. GOLDSTEIN: Yes. We have not responded to
3 any of the discovery, Judge.

4 What we propose this afternoon is to, in
5 effect, zero out Mr. Liu's account and start all over with
6 him with respect to his account at 2913 South Union.

7 The balance on his account is small, and we
8 would like to conclude the matter this afternoon and finish
9 it.

10 JUDGE JORGENSEN: Okay. Mr. Liu.

11 MR. LIU: Yes. Five months ago, I was told
12 that - - I filed discovery papers, and I was told they would
13 not respond afterwards.

14 And also we put in writing our papers, but
15 an assignment, they didn't offer a word about discovery.

16 They didn't do anything.

17 JUDGE JORGENSEN: Yes. Mr. Goldstein just stated
18 that he did not respond to a discovery request yet.

19 There is a pending motion to dismiss.

20 And Mr. Goldstein has just stated that he
21 would be interested in zeroing out your account and starting
22 over from there.

1 Is that acceptable to you?

2 MR. LIU: Your Honor, right now, that's also a
3 year apart. The motion to dismiss was a fraud, false
4 statement.

5 I don't know why they want to delay a half a
6 year, one year, two year, more nonsense, more false
7 statements.

8 Right now, no answer, no response to
9 discovery.

10 JUDGE JORGENSEN: Yes, I understand that, Mr. Liu.

11 However, putting aside discovery for right
12 now, we are talking about what you are interested in terms
13 of a resolution in this case, and what would you need to
14 resolve this case?

15 MR. LIU: I did not complain. I ask for relief
16 from the Commission.

17 I want the Commission to help me. They are
18 continuous to do that, delay, which is just nonsense, false
19 statements and no one - - time is precious.

20 They are wasting everybody's time with the
21 nonsense.

22 The last time I was told I have a violation.

1 What is that?

2 The terms, they said that two years, and the
3 answer, where did the two years come from?

4 JUDGE JORGENSEN: I believe in our status he
5 mentioned Statute of Limitations in the transcript, but
6 that was in terms of a motion to dismiss where he can
7 request and input various issues on his motion to dismiss.

8 It doesn't - - it's not limited to the
9 Statute of Limitations.

10 MR. LIU: Yes, I know, but - -

11 JUDGE JORGENSEN: What he has filed is actually
12 what you go on, which is a motion to dismiss, not his
13 intended statement at the status hearing; okay?

14 MR. LIU: Thank you very much.

15 JUDGE JORGENSEN: So, the Statute of Limitations
16 is not something that he wrote up in his motion to dismiss.

17 So, it is not a part of the paper.

18 MR. LIU: You are not reciting what I came for.

19 JUDGE JORGENSEN: I'm sorry?

20 MR. LIU: That's kind of important. What they
21 offered is a violation.

22 JUDGE JORGENSEN: I do not understand what you're

1 saying.

2 MR. LIU: They will not mention that they did not
3 answer. The statement is nonsense.

4 They got a lawyer, a professional lawyer.
5 They know what the terms is.

6 Why is a two-year Statute of Limitations,
7 yes, where did it come from?

8 It's absurd.

9 JUDGE JORGENSEN: Well, like I mentioned to you,
10 he did not raise that as one of this claims.

11 He did not mention that - - he did not state
12 in his motion to dismiss to dismiss it on Statute of
13 Limitations grounds.

14 So that is not - -

15 MR. LIU: That's what it was, yes.

16 JUDGE JORGENSEN: It was not in his motion to
17 dismiss.

18 MR. LIU: Yes.

19 JUDGE JORGENSEN: Is that a correct reading of
20 your motion to dismiss?

21 MR. GOLDSTEIN: That's correct, Judge.

22 JUDGE JORGENSEN: Okay.

1 MR. GOLDSTEIN: The bottom line of all of this is
2 I've offered Mr. Liu through you and in front of you a means
3 of resolving this complaint.

4 I believe it's a fair way of resolving the
5 complaint.

6 That's all we can do.

7 MR. LIU: Your Honor, I need something in writing
8 from him, not talking about telephone calls.

9 A lot of us - - you move. I need to move.

10 They made the mistake. They got a problem
11 with making false statements. They made all the mistakes.

12 They are wasting my time. The time is
13 precious for everybody.

14 JUDGE JORGENSEN: I understand what you're saying,
15 and I also understand that you are frustrated.

16 MR. LIU: Show some respect to everybody.

17 JUDGE JORGENSEN: Yes. However, what we are
18 attempting to do in this proceeding is to resolve the issue
19 that your account is where its needs to be.

20 And in your complaint, you list three
21 different account numbers, and you state that one of them
22 is too old to be cancelled, and one should be your only

1 account number.

2 And you also state that there's a misleading,
3 fraudulent overcharged bill where the dollar amount is
4 \$476.93 in your complaint.

5 And what Mr. Goldstein has just offered you
6 is to zero out your account and to - - and I believe is to
7 zero out your account, and there's still some question of
8 which account number you are currently on.

9 I believe in your motion you stated that Mr.
10 Liu - - I believe your motion to dismiss stated Mr. Liu has
11 only one current account open, is that correct?

12 MR. GOLDSTEIN: I believe that's correct.

13 JUDGE JORGENSEN: 9075113100?

14 MS. BUECHLER: That's correct, Judge.

15 JUDGE JORGENSEN: And the old account number has
16 been closed?

17 MS. BUECHLER: Yes, your Honor.

18 JUDGE JORGENSEN: However, your motion to dismiss
19 did not address the 8830614016 account number that Mr. Liu
20 raised in his complaint?

21 (Whereupon, there was a short
22 interruption.)

1 MS. BUECHLER: The 8830614016?

2 JUDGE JORGENSEN: Yes.

3 MS. BUECHLER: That one is closed as well.

4 JUDGE JORGENSEN: That one is closed as well?

5 MS. BUECHLER: Yes, your Honor.

6 JUDGE JORGENSEN: So, currently in your records
7 the only account in Mr. Liu's name is 907 - - I'm sorry,
8 9075113100 at his 2913 South Union address?

9 MS. BUECHLER: Yes, Judge.

10 JUDGE JORGENSEN: Okay. It appears, Mr. Liu,
11 there's only one current account number that you're being
12 billed at, and what the Company is offering is to zero out
13 the account.

14 So, what further - - what else are you
15 looking for?

16 MR. LIU: Your Honor, I need an answer to the
17 complaint, and I filed a discovery paper.

18 JUDGE JORGENSEN: I understand what you're saying.

19 What I'm saying is in the ultimate decision
20 in this case revolves around monetary amounts and cleaning
21 up your account.

22 Is Mr. Goldstein's settlement essentially

1 unacceptable to you?

2 MR. LIU: I don't think so.

3 Why did the account numbers came from.

4 Before I filed a formal complaint, they made
5 some corrections. I called them all the time.

6 A lot of nonsense, false statements,
7 threaten to cut electricity, and where they came from, and
8 after I filed the formal complaint, they didn't do nothing.

9 They are still double overcharging me,
10 altogether. It's more than several hundred dollars.

11 They know that. They refuse to do anything
12 about it.

13 Before signing the complaint, I call them
14 a lot of other times. They talk nonsense, false statements.

15 Sometimes occasionally some nice guy will
16 admit, so we made a mistake, we correct, make some
17 corrections.

18 After I filed, they refused to do anything
19 month after month, year after year.

20 This is already three years already.

21 I call them. They refused to do anything
22 after filing the complaint.

1 What is this for? Show some respect to our
2 customer.

3 Show some respect to the Commission. They
4 are wasting everybody's time.

5 They cannot do that. It's an insult.

6 JUDGE JORGENSEN: Mr. Liu, so your continued
7 objection - - your continued objection is that they are
8 consistently overbilling you?

9 MR. LIU: That's right, at this moment.

10 JUDGE JORGENSEN: I'm sorry?

11 MR. LIU: At the moment, dismissed. They know
12 that.

13 Now, they usually and normally do correct
14 all the wrongs.

15 Right now, only improvement they didn't cut
16 the electricity.

17 They threaten to cut the electricity. That's
18 an improvement, but some things got worse.

19 Before that, they do something, some guy.

20 Right now, they refused to do anything.

21 It's a half a year already, your Honor.

22 JUDGE JORGENSEN: Yes.

1 MR. LIU: They show no respect to anyone. They
2 are wasting taxpayer's money. You see it.

3 JUDGE JORGENSEN: Well, Mr. Goldstein has offered
4 to zero out your account.

5 Are you rejecting that offer from Mr.
6 Goldstein?

7 MR. LIU: They should do that a long, long time
8 ago.

9 They didn't - - they didn't do that.

10 JUDGE JORGENSEN: He's offering it now.

11 Are you rejecting that offer?

12 MR. LIU: They file no answer to the complaint,
13 file the response.

14 JUDGE JORGENSEN: If we can resolve the matter
15 here today, then he would not need to file any answer.

16 MR. LIU: So, it's not right. It's a waste of
17 three years already.

18 It's an insult. A lot of nonsense. They
19 are wasting everybody's time.

20 They file a motion to dismiss. It's full of
21 nonsense. It's a false statement.

22 It's an insult. It's a shame to write those

1 kind of papers.

2 It's an official filing. You cannot do that
3 as a professional.

4 JUDGE JORGENSEN: Mr. Liu, I understand.

5 We're trying to look at facts and a
6 resolution of facts.

7 My question to you is: Are you rejecting
8 his offer to zero out your account as part of the resolution
9 in this matter?

10 MR. LIU: They should do that already.

11 Three years ago, it should be done.

12 At least a year ago, it should be done. I
13 paid it off.

14 For one year, I be overcharged, you know.
15 They're wasting time.

16 I did nothing except to pay the bill.

17 JUDGE JORGENSEN: Sir, you are not - - you're
18 not prepared to resolve the matter today, or do you want to
19 go to an evidentiary hearing?

20 MR. LIU: I believe I intend to answer the
21 response.

22 If it wasn't for them, they attack where the

1 false statements came from?

2 They bring all the false statements and then
3 the nonsense.

4 They cannot do that to me, to any customer.

5 MR. GOLDSTEIN: The bottom line to all of this,
6 Judge, what Commonwealth Edison is proposing this afternoon
7 really makes the complaint moot.

8 It addresses all of the issues that Mr. Liu
9 has raised in his complaint, and there's nothing further to
10 try.

11 JUDGE JORGENSEN: Mr. Liu does state - - he did
12 state that he feels you are continuing to overbill him.

13 MR. GOLDSTEIN: That's simply untrue, Judge, and
14 his balance is approximately \$350 or so.

15 MR. LIU: No.

16 MR. GOLDSTEIN: So, that's what we're offering to
17 zero out his account.

18 MR. LIU: It's a shame.

19 JUDGE JORGENSEN: Do you disagree with your
20 current balance, Mr. Liu?

21 MR. LIU: Current balance should be close to zero.

22 MR. GOLDSTEIN: That's what we're trying to do

1 here.

2 JUDGE JORGENSEN: That is what is he's offering
3 you.

4 MR. GOLDSTEIN: That's what we're offering,
5 exactly.

6 MR. LIU: So for three years this going on, are
7 we finished? Why answer where false statements came from.

8 Why is the nonsense? Why?

9 The new customer moving in, what's this
10 about?

11 If a customer moves to - - you create all of
12 the accounts to the irate tenants. It's nonsense.

13 It's a lie. You cannot do that. Show us
14 some proof. I say to you, I know what's true. They don't.

15 They don't. They don't know what's the
16 truth.

17 They talk about nonsense first, anyway.

18 Your Honor - -

19 JUDGE JORGENSEN: I understand that you are
20 frustrated.

21 However, what I'm able to do for you at my
22 jurisdiction is to address monetary matters with regard to

1 your bills and your account number.

2 And what Mr. Goldstein has offered is to zero
3 out your account, and he says that you currently have only
4 one open account number.

5 And, so, my question to you is: Would that
6 resolve the matter for you, or are we going forward to
7 discovery and an evidentiary hearing?

8 MR. LIU: No, there are three account numbers. I
9 don't know what numbers they are talking about.

10 You have where the three account numbers
11 came from.

12 MR. GOLDSTEIN: Judge - -

13 MR. LIU: They called, and they said it's over,
14 forget everything.

15 That's not right.

16 JUDGE JORGENSEN: Okay. Mr. Liu, hold on.

17 Yes, Mr. Goldstein.

18 MR. GOLDSTEIN: Judge, Ms. Buechler said that Mr.
19 Liu currently has only one account number, so the other two
20 account numbers are gone.

21 That part of his complaint we're sure has
22 already been resolved prior to today.

1 What we are offering again - -

2 MR. LIU: No, no.

3 MR. GOLDSTEIN: Please let me finish, Mr. Liu.

4 MR. LIU: I lost a lot already.

5 MR. GOLDSTEIN: In any event, Judge, what we're
6 offering today is to zero out the account.

7 I think what Mr. Liu has said is that he
8 believes that the account is at or near zero.

9 We're offering to do that. That resolves
10 the basis of his complaint. There's nothing for us to try.

11 Moreover, Judge, it's up to you whether we
12 have to respond to discovery or whatever has to happen with
13 respect to us filing an answer.

14 I would respectfully request that you do not
15 require us to go through the discovery process, and that you
16 not require us to file an answer.

17 JUDGE JORGENSEN: Mr. Liu, I tend to agree with
18 Mr. Goldstein in his statement that if he zeros out the
19 account, there's nothing further monetary-wise that you
20 claim in that regard that would harm you.

21 So, the only issue, pending issue is you're
22 claiming they are continuing to overcharge you, and you've

1 stated different amounts throughout this matter, \$476.93.

2 I believe in another motion you said \$500, in
3 excess of \$500, and then just today you said more than \$700.

4 That will be an outstanding issue in this
5 matter if he's continuing to overcharge.

6 However, he has not currently supplied
7 any - - that would have to be addressed in an evidentiary
8 hearing, unless it can be resolved beforehand.

9 I do not think - -

10 MR. GOLDSTEIN: Judge, what we ought to do is
11 provide you with - - we have Mr. Liu's current activity
12 statements with us in the hearing room this afternoon.

13 Obviously, it shows a balance due.

14 That is the current balance as far as we're
15 concerned and as far as the Commission should be concerned
16 as of the date of the activity statement.

17 There's nothing else we can do.

18 We can only - - I don't know where he's
19 coming up with the other numbers.

20 All I can say is that this statement is as
21 of April 2nd.

22 The document shows a balance of - -

1 MR. LIU: Continued lies.

2 MR. GOLDSTEIN: - - of \$383.07.

3 JUDGE JORGENSEN: I'm sorry, what was that amount
4 again?

5 MR. GOLDSTEIN: \$383.07.

6 MR. LIU: Show some proof where that number came
7 from.

8 JUDGE JORGENSEN: Mr. Liu, the purposes of
9 discovery is to exchange information - -

10 MR. LIU: Yes.

11 JUDGE JORGENSEN: - - factual information so that
12 you can figure out what is going on with your account and
13 what money is at issue.

14 It appears to me today that Mr. Liu is
15 unwilling to resolve this by zeroing out his account, and
16 he claims there is still some money at issue with continued
17 overbilling.

18 Mr. Liu is free to attempt to present his
19 case.

20 It also appears to me that Mr. Liu does not
21 want to conduct informal discovery unless - - are you
22 willing to conduct any informal discovery without any

1 formal discovery activities?

2 MR. LIU: Yes, your Honor.

3 JUDGE JORGENSEN: Informal discovery would be
4 between you and the Company and would not involve me.

5 You can request any documents from them, you
6 know, make a discovery request to them rather than coming
7 through the Commission.

8 MR. LIU: I'm quite sure, with the permission from
9 the Commissioner, they are filing all the false statements.

10 It's already a year ago. This gentleman said
11 we have to respond to discovery in writing. I'm expecting
12 papers.

13 I assume the papers five months ago, not a
14 single word, this not right.

15 They cannot do that.

16 JUDGE JORGENSEN: Okay.

17 MR. LIU: They cannot do that.

18 JUDGE JORGENSEN: Mr. Liu is not interested in
19 conducting informal discovery, so it appears.

20 We'll have to conduct formal discovery.

21 So, I'm going to ask you to please respond
22 to his discovery request, interrogatories and request for

1 production of documents.

2 So, please file some sort of response to Mr.

3 Liu's request for that.

4 MR. GOLDSTEIN: Judge, there comes a point in time
5 when Mr. Liu's requests are incredibly time consuming to the
6 Company, obviously - -

7 JUDGE JORGENSEN: Yes.

8 MR. GOLDSTEIN: - - and really go well beyond any
9 monetary amount that Mr. Liu could possibly recover from
10 the Commissioner, and I think you ought to take that into
11 account in making the ruling that you just did.

12 This is something that is incredibly
13 burdensome on the Company to go through all of the things
14 he requests.

15 I'm not even sure we can respond to all of
16 them.

17 So, I'm requesting that we not be required
18 to answer his discovery.

19 And with respect to the production of
20 documents, the only documents that we really have that
21 covers the two-year timeframe that's involved here is the
22 activity statements.

1 Your Honor's familiar that we usually provide
2 activity statements in every complaint that your Honor has
3 received that deals with billing charges.

4 I just don't know what else to say other than
5 the fact that this matter should be resolved this afternoon.

6 It's in everybody's best interest that it be
7 resolved.

8 It certainly is a total waste of the
9 Commission's resources, and on top of everything else for
10 us to go forward with an evidentiary hearing process and
11 discovery process.

12 I guess that's all I have to say for the
13 moment.

14 MR. LIU: Your Honor - -

15 JUDGE JORGENSEN: Yes, Mr. Liu.

16 MR. LIU: - - it's been for five months. I mean,
17 it's a rerun.

18 You cannot do that. File a response
19 according to the rules.

20 And that was in their own words the last
21 time.

22 This gentleman will remember, they have to

1 response to discovery.

2 Why not they responded yet after five months?

3 They are wasting my time, their own time,

4 this gentleman's time.

5 They are wasting the taxpayer's money by

6 doing this.

7 Nonsense, false statements, lies.

8 JUDGE JORGENSEN: Mr. Liu, are there any documents

9 that - - the only - - they have offered to zero out your
10 account.

11 The only other matter at issue is whether
12 they are overbilling you, and if so, what that amount is.

13 Is that my understanding of your current
14 issue?

15 MR. LIU: I pay a bill every month. I don't owe
16 them extra money.

17 I pay all the old bills together. You can
18 see several hundred dollars already. It's still going on.

19 JUDGE JORGENSEN: Yes, but he has offered to zero
20 out your account.

21 MR. LIU: Because they are caught.

22 JUDGE JORGENSEN: Yes. What I'm saying is that

1 would resolve the issue, would it not?

2 MR. LIU: I believe I deserve an answer.

3 I filed a complaint. I took time to write
4 discovery papers. They did not respond.

5 I meet their demand, and they promised to do
6 something in response.

7 But here after five months, half a year, they
8 did nothing. They are caught.

9 They said forget everything. That's not
10 right.

11 JUDGE JORGENSEN: Okay.

12 MR. GOLDSTEIN: I understand where you're coming
13 from and - -

14 MR. LIU: It's false. It's false.

15 MR. GOLDSTEIN: Judge, with respect to the filing
16 of the answer, you could deny that request from Mr. Liu.

17 Mr. Liu's stated several times that this is
18 a waste of time.

19 It is a total waste of time - -

20 MR. LIU: You are.

21 MR. GOLDSTEIN: - - and I'm respectfully
22 requesting, your Honor, to close the record today.

1 The Company will provide sufficient proof
2 to your Honor that Mr. Liu's account has been zeroed out;
3 that he actually has only one account number.

4 We've apologized to Mr. Liu on the record
5 for whatever wrongdoings he believes Commonwealth Edison
6 representatives perpetrated against him.

7 There's nothing else here for us to try,
8 period.

9 And to go further than today, it's an
10 absolute complete waste of time for your Honor, for the
11 Commission, for ComEd, and for Mr. Liu who keeps complaining
12 about this being a waste of time to begin with.

13 MR. LIU: You are doing it. I don't know where
14 this nonsense came from, not a single response where this
15 come from.

16 Why? I paid the bill, and you still billing
17 me.

18 JUDGE JORGENSEN: Mr. Liu, what he's saying is
19 basically - - what Mr. Goldstein is saying that basically
20 he is zeroing out your account, which means - - which I
21 tend to agree would put you in a place, so I'm trying to
22 understand, in a good place, so I'm trying to understand

1 what your further claim is actionable here. What else needs
2 to be resolved because there is no - - aside from your
3 allegations, there is no facts in the complaint stating,
4 regarding false statements, so I don't - -

5 MR. LIU: Your Honor, in the interest of the
6 Commission, they will do the same thing again against me
7 and also to others.

8 That's not right. They are caught.

9 Okay. I got some money, and I give thanks
10 to you.

11 It comes to zero, all three years.

12 A lot of false statements. It's a consumer
13 fraud. You cannot do that.

14 Show something - - show some respect for
15 everybody.

16 So, I move from here to here to here, so they
17 show no respect for anyone, for a customer, they show no
18 facts to this Commission to submit the motion to dismiss.

19 They cannot do that as a profession.

20 JUDGE JORGENSEN: Okay. I'm going to recess for
21 just a couple of minutes.

22 (Whereupon, a recess was had.)

1 JUDGE JORGENSEN: We're back on the record.

2 Mr. Liu, with regard to them overcharging,
3 do you have any proof of them overcharging?

4 MR. LIU: I do.

5 JUDGE JORGENSEN: The burden is on you to prove
6 that they are overcharging.

7 MR. LIU: Sure, I paid the bill, I admit, for
8 three years.

9 JUDGE JORGENSEN: I understand you're paying the
10 bills, but what proof do you have that ComEd is overcharging
11 you for the services brought?

12 MR. LIU: I know for sure. They know that.
13 They know that. They know that from the
14 very beginning. I paid the bill every month.

15 JUDGE JORGENSEN: Your saying that you know for
16 sure that they are overcharging you is not proof they are,
17 in fact, overcharging you.

18 What proof do you have that they are
19 overcharging you?

20 MR. LIU: Right now, I'm not prepared for that.

21 I'm prepared to receive some papers in
22 response to discovery, the three accounts.

1 The money for this account, for that account.

2 The money for this account, the money for that account, they
3 want - - they want to confuse everyone and confuse the
4 Commission.

5 That's wrong.

6 JUDGE JORGENSEN: Mr. Goldstein stated that right
7 now you have one account with them, just one account.

8 The others are old account numbers that have
9 been closed.

10 And they're offering to zero out that one
11 account, which I understand - - I understand your request
12 for respect.

13 However, what we are attempting to do here in
14 this proceeding is to resolve matters in your complaint with
15 regard to the monetary amounts and the account numbers.

16 And that is what I can resolve here.

17 They're stating that they will zero out your
18 account, and you'll only have one account number.

19 So, are there any other matters?

20 It seems to me that there are no other issues
21 here to resolve.

22 MR. LIU: Your Honor, at the moment, they filed

1 answer, they filed discovery. Every issue, no arguing.

2 JUDGE JORGENSEN: I'm trying to save time and your
3 time which you have stated is very important to you and the
4 Commission's time and money is important to us.

5 Therefore, we are trying to resolve the
6 matter today without going through to file written motions,
7 and their Company is offering to zero out your account, and
8 you only have one current account with them.

9 So, it appears to me that there are no other
10 unresolved matters in this case, other than essentially your
11 claim that they are overcharging you.

12 That's why I'm asking you, if you have proof
13 of them overcharging you other than your claim that they
14 are?

15 MR. LIU: Your Honor, even today, even several
16 months ago, they have some paper, total fabrication that
17 they know of. That's not right.

18 They filed no answer, they filed no response
19 to the discovery.

20 JUDGE JORGENSEN: If there are no matters at
21 issue, if they're offering to resolve it and there are no
22 matters in dispute, then there's no need to file an answer

1 or response to discovery.

2 MR. LIU: I'm entitled to that, your Honor.

3 It's three years already. I'm going to have
4 to continue. They insult me, both me, and now they admit.
5 They are caught.

6 They say, "Okay, your account is zero." I
7 pay a bill.

8 I remember that. They cannot do that for
9 three years.

10 A violation is a violation. Fraud is a
11 fraud.

12 Consumer fraud is consumer fraud.

13 I'm entitled to have an answer, to have a
14 response.

15 And also the last time, a couple of years
16 ago, they need to have the papers.

17 I need the papers.

18 JUDGE JORGENSEN: Mr. Liu, what kind of
19 documentation - - what proof do you have or do you need to
20 have to offer with your claim that they are overcharging
21 you?

22 MR. LIU: I pay bill. I admit. They know that.

1 JUDGE JORGENSEN: Did your bill - -

2 MR. LIU: I will present the statement at trial,
3 not here, present at that time.

4 I presented the paper to you, your Honor
5 and - -

6 JUDGE JORGENSEN: To me, Mr. Liu, it's just a
7 claim that they are - - it's just your claim they are
8 misleading - - incorrectly misleading you and
9 fraudulently - -

10 MR. LIU: It's a fraud on the Commission,
11 fabricate evidence.

12 JUDGE JORGENSEN: All right. What I'm going to
13 do is: I'm going to ask the Company to please file an
14 answer, obviously on burdensome grounds, items of that
15 nature.

16 I will also entertain a motion to - - another
17 motion to dismiss in which Mr. Liu, of course, is going to
18 respond to again.

19 From where I'm sitting here today, it appears
20 that the Company is willing to throw out your accounts and
21 resolve the matter, the disputed matter, with the exception
22 of whether or not you are, in fact, being overbilled.

1 And as we sit here, you haven't said anything
2 regarding whether or not you're being overbilled.

3 MR. LIU: Your Honor, they want to forget the
4 whole thing, forget the three years, forget all false
5 statements, forget all the nonsense and everybody go home.

6 That's not right. A violation is a
7 violation.

8 They force this on me, and the complaint,
9 response to the discovery, answer the complaint.

10 I respond to the discovery.

11 JUDGE JORGENSEN: Mr. Goldstein, when can you
12 file an answer to the discovery?

13 MS. BUECHLER: An answer to the complaint and
14 discovery?

15 JUDGE JORGENSEN: I'm sorry, to the complaint,
16 yes.

17 An answer to the complaint.

18 MR. GOLDSTEIN: Judge, before you require us to
19 file an answer to the complaint, I strongly suggest that
20 you look at the allegations in the complaint, beginning with
21 the attachments to the formal complaint, assuming that's
22 really what you're requesting me to respond to, and in most

1 instances, there's no way to respond to statements made by
2 Mr. Liu.

3 Mr. Liu has stated number one facts.

4 Judge, that's just my take in looking at it,
5 having not looked at it for a while.

6 JUDGE JORGENSEN: Okay.

7 MR. GOLDSTEIN: And we would just deny each and
8 every allegation to this complaint.

9 MR. LIU: Based on what?

10 MR. GOLDSTEIN: If we would say anything more than
11 that, I'm sure Mr. Liu would come back and tell us we're
12 committing some kind of fraud or something of that nature.

13 He has used that term several times this
14 afternoon.

15 I absolutely take exception to that.

16 JUDGE JORGENSEN: Okay. I'll accept that as an
17 oral response to the complaint.

18 Looking at the relief, Mr. Liu, that you are
19 seeking, you are seeking to have your account numbers
20 cleared up and establish one account number in your name,
21 which the Company has stated they have already done.

22 And they have also stated that they have your

1 correct address of 2913 South Union Avenue, and that is
2 still the correct address on the account, is that correct?

3 MS. BUECHLER: Yes.

4 JUDGE JORGENSEN: Okay. And they have shown you
5 an account statement here today of an accurate amount, which
6 they stated, of your up to date bill which was \$380 and
7 change, I believe.

8 They have already apologized on the record.

9 So, that takes care of all of the relief you
10 are seeking here today.

11 I see nothing further in your complaint and
12 the relief you are seeking that would benefit from pursuing
13 further in this matter.

14 MR. LIU: Your Honor, that three hundred and
15 something is false. It's a lie.

16 It's an insult to everybody.

17 JUDGE JORGENSEN: Mr. Liu, you have the burden of
18 proof in this matter to seek what relief you are seeking,
19 and in looking at the complaint that Mr. Goldstein has sent
20 to me and the relief being sought by you, he has agreed to
21 address and resolve all of the associated issues.

22 And with that, there are no further matters

1 at issue here.

2 MR. GOLDSTEIN: Let me add one more thing, Judge.

3 The Company is just going to zero out the
4 account.

5 The Company will provide proof to both Mr.
6 Liu and you that the account has been zeroed out, and
7 that's all we can do.

8 JUDGE JORGENSEN: Okay.

9 MR. LIU: Your Honor, as long as any - - they have
10 to file a response to the discovery, forgetting everyone
11 into a document.

12 They are lying. They continue lying to the
13 Commission. That's not right.

14 The \$300, right, where did that come from?
15 What's the basis?

16 Where is the evidence? They still are lying
17 here, and that's not right.

18 JUDGE JORGENSEN: I understand that you are
19 frustrated with everything you've gone through in this
20 matter.

21 According to what you filed, they have agreed
22 to resolve the issues that you are seeking relief for in

1 your complaint.

2 That was put in all of the matters at issue
3 here, so I would entertain a motion to dismiss at this time.

4 MR. GOLDSTEIN: I would make an oral motion to
5 dismiss, Judge.

6 MR. LIU: Agree.

7 JUDGE JORGENSEN: I will take that under
8 advisement, and I'm going to go ahead and close the record
9 today.

10 The record is closed, heard and taken.

11 MR. GOLDSTEIN: Thank you, Judge.

12 MR. LIU: So, they are to provide - - it's not
13 right. Show some proof, where the deal came from?

14 Thank you, your Honor.

15 JUDGE JORGENSEN: Thank you, sir.

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